IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO.2721 OF 2005

Mrs.Natty Albert Rodrigues & Ors. ...Petitioners
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr.O.R.Tiwari for Petitioner
Mr. A.S. Gadkari A.P.P. for the State

CORAM: B.H.MARLAPALLE & ROSHAN DALVI, JJ.
DATED: 31ST JANUARY, 2006

P.C.

1. Heard Mr. Tiwari, the learned Counsel for the Petitioner. We have also perused the averments and the prayers made in the Petition as well as the affidavit filed by Mr.Prasad M. Khandekar, Police Inspector presently attached to Dadar Police Station.

2. It is evident that the petitioner has already approached the Maharashtra State Human Rights Commission in case No.444/16/05/14032 dated 2nd November 2005 and the gist of her complaints is :

(a). On 10th February 2005 S.I. Sakpal and five Policemen of Dadar Police Station man-handled her and her two sisters and detained all of them at the Police Station till 10.00 p.m. as she had complained against S.I. Sakpal.

(b). D.C.P. Mr. Dumbre, ACP Yadav, forced her to compromise with her neighbour Mrs. Sabrina Yeole with whom she has a long standing dispute and also to withdraw her grievances against aforesaid five policemen or else chapter proeedings would be initiated.

(c). Her sister Ms. Rosaline Fernandez was brought by force from her house to the office of A.C.P. Dadar Division Mr. Yadav and notice regarding chapter proceedings was served upon her and signature obtained.

A notice regarding chapter proceedings was served upon her and her signature was obtained.

3. It appears that the above said complaint registered with the State Human Rights Ccmmission is under investigation and the Commissioner of Police Brihan Mumbai has filed his reply on 21st November 2005 before the Commissioner.

4. It also appears that the Petitioners have filed 7 complaints registered as N.C. complaints and mostly against the neighbours. The neighbours in turn have also filed N.C. complaints against the Petitioners, i.e. Nos.357/2005, 441/2005, 702/2005,

725/2005, 948/005, 1020/2005, 1068/2005 and 1094/2005. There are N.C. complaints also registered against the Petitioners bearing numbers 340/2005, 358/2005, 442/2005, 1206/2005, 2581/2005, 1638/2005 and 1859/2005. The affidavit further states that by way of preventive measure to prevent from any cognizable offences and breach of peace, the police had no other options but to register chapter proceeding and consequently the Special Executive Magistrate, Dadar Division issued notices under Section 111 of Criminal Procedure Code against both the parties.

5. Having considered the affidavit in reply as well as the reply submitted by the Police Commissioner, Maharashtra State we are satisfied that this Petition need not be entertained atleast at this stage, more so when complaints filed by the Petitioner alleging illegal behaviour of the Police Officer or illegal detention in the police station are under investigation by the Human Rights Commission.

. The Petition is therefore, rejected.

(ROSHAN DALVI,J.) (B.H.MARLAPALLE, J.)